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09/533,325	03/22/2000	Nimrod Megiddo	ARC920000009US1	7964
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MARK D. MCSWAIN IBM ALMADEN RESEARCH CENTER, IP LAW DEPT. 650 HARRY ROAD C4TA - J2 814 SAN JOSE, CA 95120				
EXAMINER				
VIG, NARESH				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/533,325

Applicant(s)

MEGIDDO, NIMROD

Examiner

NARESH VIG

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 9, 10, 12, 13, 15, 16, 21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 9, 10, 12, 13, 15, 16, 21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is in reference to response received 16 January 2008. Claims 1, 4, 9-10, 12-13, 15-16 and 21-22 are pending for examination.

Response to Arguments

Applicant's arguments and concerns are for pending amended claims which have been responded in response to the pending claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 9-10, 12-13, 15-16 and 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. As currently claimed by the applicant, it is not clear how predetermined independent source is identified for a contingency of a contract, and said identified independent source is informed that they need to handle the particular contingency of the contract, and provide their response to enable the claimed invention to get the response for the predetermined independent source to be able to determine the received information to be valid. If the predetermined independent

source does not even know about the fulfillment of a contract contingency, how can they even fulfill the contingency and provide a valid response for the claimed invention to be able to determine the proper status of the contingency.

Claim 4, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite. Applicant has not claimed the subject matter which applicant regards as the invention. Applicant recites the limitation "condition response information includes at least one of: consumer's price index (CPI), prime lending rate (Prime), a mortgage rate, a currency exchange rate, a bond interest rate, a raw material price, a weather forecast, auction results, election results, and ballot proposition results". Applicant has not positively claimed limitation how either of the received information is tied to the claimed invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9-10, 12-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mini et al. US Patent 6,684,196 in view of Saito et al. US Patent 6,578,006.

Regarding claims 1 and 16, Mini in view of Saito teaches commerce management method for automatically managing agreements including at least one or more contingency. Mini in view of Saito teaches:

logging at least one condition for a particular agreement (e.g. home inspection) [Mini, Fig. 18, 1822, and disclosure associated with Fig. 19] and identifying at least one potential response as indicating satisfaction of said at least one condition and milestone for each potential response (project management, customer accepting the results of home inspection) [Mini, Fig 20, 2008, and disclosure associated with Fig. 20]. Mini does not explicitly teach predetermining independent sources for each condition from whom the response received will be treated as a valid response for the condition. However, it is old and known at least in Real Estate Transaction wherein workflow is managed to keep the transaction on schedule to prevent the invalidity of the transaction, that for a task related to the transaction, there is a predetermined independent source who provides response to the pending task, for example loan commitment from lender, termite inspection result, flood certification etc. Saito teaches

A work management method and system which manage a project executed by individuals or groups which has capability to add a task by task name and a task status name in the work management table, generate the event associated with the task

name, issues the event addition request, and, checks responses for the tasks to determine the proper status of the task [Saito, abstract, Fig 6, disclosure associated with the figure]

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Mini by adopting teachings of Saito to electronically manage the work flow and update the involved parties of the current status of the task.

Mini in view of Saito teach capability for:

retrieving information related to responses to each condition from predetermined independent sources [Mini, Fig. 18, 19, and disclosure associated with the Figures]; checking said retrieved information to determine whether said agreement is determinate (customer accepting the results of home inspection) [Mini, Fig 20, 2008, and disclosure associated with Fig. 20]; and

notifying contracting parties when said particular agreement is determined to be determinate (customer gets update on contingencies) [Mini, Fig 20, 2034, and disclosure associated with Fig. 20].

Regarding claim 12, as responded to earlier in response to claims 1 and 16, Mini in view of Saito teaches computerized commerce management system. Mini in view of Saito teaches:

a plurality of remotely connected terminals, contracting parties entering information about contract conditions in said terminals and predetermining independent sources

for each condition from whom the response received will be treated as a valid response for the condition;

a storage maintaining a contingency agreement database, said contingency agreement database including contracting party information and condition information on each of a plurality of agreements, said condition information including [Mini, Fig. 18-19 and disclosure associated with Fig. 18-19]:

potential response(s) satisfying each condition (acceptance of home inspection by buyer, buyer cancels the contract etc.), and milestone(s) for each said potential response (buyer proceeds with the purchase of the property, buyer cancels the contract as starts looking for another property); and

an automatic data retriever retrieving condition response information from predetermined independent sources via one or more remotely connected computers [Mini, Fig. 19, 1922, and disclosure associated with Fig. 19].

Regarding claim 9, Mini in view of Saito teaches capability of notifying the parties that the contract has failed when a response to a condition indicates said condition cannot be satisfied (customer not accepting the results of the home inspection). Mini in view of Saito teaches notifying e-mails are generated for involved parties [Mini Fig. 18 and disclosure associated with Fig. 18].

Regarding claim 10, Mini does not explicitly teach retrieved information to include mortgage rate. However, Mini in view of Saito teaches users can apply for loan. It is old

and known to one of ordinary skill in the art that when a user applies for a loan, mortgage rates are presented to the user.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that Mini has capability for retrieving mortgage rates to help the user decide type of loan user may want to apply for.

Regarding claim 13, as responded to earlier, Mini in view of Saito teaches email capability for notifying users. Therefore, Mini in view of Saito teaches to have proper means for notifying contracting parties a corresponding agreement has failed when a response to a condition indicates said condition cannot be satisfied [Mini Fig. 18 and disclosure associated with Fig. 18].

Regarding claim 15, Mini does not explicitly teach retrieved information to include a mortgage rate. However, Mini in view of Saito teaches customers can apply for loans using their invention.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention that for processing loan mortgage rate is communicated to the borrower to comply with Truth in Lending requirements.

Claims 4 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mini et al. US Patent 6,684,196 in view of PointCast Incorporated.

Regarding claims 4, 21 and 22, Mini in view of Saito does not explicitly teach retrieved information to include weather forecast. However, Mini in view of Saito teaches capability to retrieve information. PointCast teaches retrieving finance related information, headline news etc. Therefore, it would have been obvious to one of ordinary skill in the art that PointCast is capable to retrieve and display at least interest rate.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Mini as taught by PointCast to retrieve financial information and display to user to make the user interface more useful interface for the user.

Conclusion

Applicant is required under 37 CRF '1.111 (c) to consider the references fully when responding to this office action. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Daffin et al. US Patent 5,893,906
2. Khameleon Enterprise Business Application Software Product Line
3. Gartner Institute Offers IT Project Management ERP Specialization, 07 february 2000, Business Wire
4. PeopleSoft Enters market for Professional-Services Automation

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

March 17, 2008

/Naresh Vig/
Primary Examiner,
Art Unit 3629